IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL SECOND APPEAL No. 263 of 2007

ABDUL GANI
V/S
SMT.NOOR JAHAN & ORS.

Mr. JK BHAIYA for Mr. SAJJAN SINGH, for the appellant / petitioner

Date of Order : 3.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the appellant. Perused the impugned judgments of the two learned courts below.

The learned lower Appellate Court has positively found that there is no reliable evidence on record to show that the property was ever gifted by Jan Ramjani to Bhoori. Then, regarding Will also it has been found that the Will cannot be effected unless the other heirs consent to it which is not shown to have been given. Thus, a finding has been recorded that the defendant no.1 cannot be said to be sole owner of the property.

In my view, the finding about the appellant having failed to prove any gift having been made to Bhoori is a pure finding of fact, arrived at after due appreciation of

the entire evidence, and does not require any interference. Even regarding Will, learned counsel for the appellant has not been able to show, as to how the conclusions arrived at by the learned Courts below are wrong.

That being the position, I do not find any error in the injunction granted and upheld by the learned lower Appellate Court.

The appeal thus has no force, and is dismissed summarily.

(N P GUPTA),J.

/Sushil/